Three attached records relate to FBI contact with Oswald and Oswald's with the FBI prior to the assassination and to my earlier appeals relating to now safely retired and atypically vocal SA James P. Hosty. These are a worksheet for 105-82555-4313 EBF; page 5932 of the typescript of the Commission testimony of also retired SA John Fain; and a page of an interview log from 62-109060-7314X2 Part 1. (The retired SA then being questioned is Urial E. Horton, Jr.)

I have placed an X in the margin of the worksheet, to which I also added its identification. With the exception of the cover page all except 3 of the records listed proceed the assassination. One in particular, of 10-18-63 is withheld in its entirety, as are others I also appeal, on claim to b7C and D. (I also appeal the b1 and b2 claims and the denial by referral.)

As I have indicated earlier, there is reason to have doubt about the Commission testimony by Hosty, particularly about when he received the Oswald file. There is testimoney to his having prepared this 10-18-63 memo, I believe, and there are references to it in other records. The claims to exemption are, I believe, quite inappropriate, particularly if Hosty gave any testimony relating to its content. There is no apparent need to withhold if he wrote about only what he testified to, before the Commission, in the subsequent FBI internal investigation or the later Congressional inquiries, of which there were several. Withholding is also inappropriate if there is content to which he did not testify or about which he was not asked in the internal investigation.

I do not appeal the entry referring to alleged communists, of 5/28/64.

The testimony of Fain (88) states that he made handwritten notes that have not been provided and I believe should be, as also should any remaining Hosty notes of Oswald family and/or related interviews, memos, etc. The Fain testimony seems to establish the existence of the information I seek. (Hosty told the Commission he destroyed his notes a month after the crime.)

Nothing caused more total silence within the FBI, where many knew of it, that Oswald's going to see Hosty just before the assassination and leaving a note allegedly threatening in nature, which Hosty then destroyed after many others knew of it. The withholding of any relevent information, as on the log, I believe is inappropriate.

Inventory Worksheet
FD-503 (2-18-77)

ENCLOSURE BEHIND FILE - SERIAL 4313

File No: 105-82555 Re: LEE HARVEY OSWALD Date: 8-78 (month/year)

Serial	Date	Description (Type of communication, to, from)	No. of Pages Actual	No. of Pages Released	Exemptions used or, to whom referred (Identify statute if (b)(3) cited)
4313	5-28-64	COVER PAGE	1	1	NONE
	5-7-63 7-9-63	INS REPORT OF INVESTIGATION	10	—	REFERRAL: INS
	12-4-63	AIRTEL, TP TO DL	1	1	b2, b7c, b7d
	12-13-63	MEMO, TP TO DL	1	1	b1, b2, b7c, b7d
	5-28-64	MATERIAL FOR THE YEAR 1963 PERTAINING TO PERSONS BELIEVED ACTIVE IN THE COMMUNIST PARTY	19	19	b7c
	1-14-63	MEMO, BROWN TO SAC, DL	1	0	b2, b7c, b7d
	1-14-63	MEMO, BROWN TO SAC, DL	1	0	b2, b7c, b7d
	1-24-63	MEMO, DL TO SA	2	0	b2, b7c, b7d
	1-30-63	MEMO, SA TO DL	1	0	b7c, b7d
	1-29-63	INS REPORT OF INVESTIGATION	13	—	REFERRAL: INS
	10-18-63	MEMO, HOSTY TO SAC, DL	1	0	b7c, b7d
	3-6-63	MEMO, NY TO DL	2	0	b1, b2, b7c, b7d
	3-6-63	MEMO, NY TO DL	3	1	b1, b2, b7c, b7d
			56	23	

FBI/DOJ

sat down in front of the desk ~~there~~, and Mr. Carter was sitting to my left. ~~We told him.~~ ~~We~~ explained to him, we wanted to talk to him. I took the notes ~~and wrote them down,~~ and ~~then~~ from my notes I dictated this, ~~what~~ which we call an ~~BF~~ FD-302.

Mr. Stern. This is your memorandum and not Agent Carter's?

Mr. Fain. That is right. I was more familiar with the case. I took the notes and did the dictation.

Mr. Stern. And the dictation was when?

Mr. Fain. July 2, 1962; transcribed July 6, 1962.

Mr. Stern. These dates appear where?

Mr. Fain. The date of dictation is shown on the lower right-hand corner; date of interview at the left, and date of transcription or typing was on July 6, upper right-hand corner.

Mr. Stern. What was Lee Harvey Oswald's demeanor in the course of this interview?

Mr. Fain. He was tense, kind of drawn up, and rigid. He is ~~kind of~~ a ~~lively, kind of~~ wiry little fellow, kind of waspy.

Mr. Stern. Did he answer all of your questions?

Mr. Fain. No, he didn't. As indicated there in the fourth paragraph, he was ~~a little bit, if you will pardon my saying so,~~ a little ~~snotty~~ insolent in his answers. He was the type of individual ~~that~~ who apparently doesn't want to give out information about himself, and we asked him ~~as to~~ why he had made this trip to Russia, and he looked like it got under his skin, and I noticed he got white around the lips and ~~kind of~~ tensed up, and I understood it

Interview log

Neal E. Horton, Jr. 9-4-75 - Dallas, Texas area

11:01 am Toll of telephone call from [redacted] 670

11:05 am Closed mike with by SAC McHoff

11:05 am Signed waiver of rights

12:17 pm Coffee break

2:30 pm Inspector Conley preparing written statement

1:50 Signed statement completed and passed to Mr. Horton

1:59 pm ~~Signed~~ Statement signed by Horton

Philip G. McHoff

J. Alberni Conley

62-109060-7314X2 Part 1